THE ATLANTIC, GULF AND PACIFIC COMPANY, *v.* GOVERNMENT OF THE PHILIPPINE ISLANDS.

APPEAL FROM AND ERROR TO THE SUPREME COURT OF THE PHILIPPINE ISLANDS.

No. 64. Argued December 6, 1910.—Decided December 19, 1910.

A Government contract for building a bulkhead in Manila provided that the contractor would be responsible for damages arising from wave action or pressure of the revetment against the timber structure, but that the Government would be responsible for break caused by pressure of the mud fill. There was a break owing to pressure of the mud fill and before it could be repaired there was a further damage caused by a typhoon but which would not have happened had the original break not existed. *Held*, as held by the courts below, that the contractor must bear the loss caused by the typhoon.

THE facts, which involve the construction of a contract